

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANNETTE CIRINO, as Parent and Guardian of  
J.A., a minor, and all similarly situated employees,

Case No.: 14-cv-6892 (PAE)

Plaintiff,

v.

**JOINT STIPULATION OF  
DISMISSAL**

SRIYANTRAA, INC. d/b/a Taco Bell, HEMANG  
CHAMPANERIA, SRINIDHHI INC., JOHN  
DOE 1 a/k/a "VICK", ASHISH PATLA a/k/a  
"MS. KAY", FATOU BAKABA, ANGELA  
PENA and DEPINDRA RAWAL,

Defendants.  
-----X

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the parties  
hereby jointly stipulate to the dismissal of this action, upon the terms and conditions as follows:

1. The parties stipulate and agree that claims I through VII of the First Amended

Complaint are hereby dismissed with prejudice. Specifically, those claims are:

- (i) failure to pay minimum wage under FLSA, 29 U.S.C. § 201 et seq., (ii)  
failure to pay over-time under the 29 U.S.C. § 207(a)(1), (iii) failure to  
pay over-time and minimum wages under New York State law pursuant to  
New York Labor Law Article 19, §§ 650 et seq., (iv) violations of the  
wage statement provisions of the NYLL, (v) unpaid wages under the  
NYLL, (vi) violations of the NYLL for unpaid uniform laundering  
allowance, and (vii) violations of the NYLL for failure to provide notice  
and information about employment laws.

2. The parties further stipulate and agree that claims VIII - XIV, as well as any other claims codified under New York State common or statutory law which could have been brought in this action are dismissed without prejudice. Specifically, those claims are:

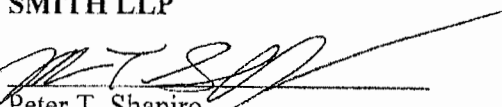
(viii) fraud, (ix) fraud, (X) wrongful discharge in violation of Labor Law § 740, (XI) intentional infliction of emotional distress, (XII) negligent infliction of emotional distress, (XIII) breach of fiduciary duty, and (XIV) wrongful discharge.

3. The respective attorneys, by their signatures below, represent and warrant that they have the consent of their respective clients, have discussed this Joint Stipulation of Dismissal and have the authority to bind their respective clients.

Respectfully submitted,

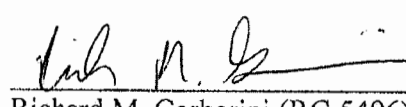
Attorney for Defendants

**LEWIS BRISBOIS BISGAARD &  
SMITH LLP**

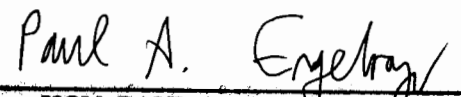
  
Peter T. Shapiro  
77 Water Street  
Suite 2100  
New York, NY 10005  
Phone: T: 212.232.1322  
Peter.Shapiro@lewisbrisbois.com

Attorneys for Plaintiff

**GARBARINI FITZGERALD P.C.**

  
Richard M. Garbarini (RG 5496)  
150 East 58<sup>th</sup> Street  
27<sup>th</sup> Floor  
New York, NY 10155  
Phone: 212.300.5358  
rgarbarini@garbarinilaw.com

**SO ORDERED:**

2/23/15  
  
**HON. PAUL A. ENGELMAYER**  
**UNITED STATES DISTRICT JUDGE**